

Chapter 18.74

DESIGN REVIEW

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Article I. General Provisions

18.74.010 Findings and policy.

The city council finds and declares:

A. That the city of Morgan Hill is a city with unique characteristics, ideal climatic conditions, spectacular natural ridgelines and vistas, and scenic natural features. It is these characteristics which attract a significant number of visitors to the city and enhance the quality of life of the residents;

B. That all of these factors constitute an important economic base for the city, for residents of the community, and visitors to the city;

C. That the appearance of buildings, structures and the land, as viewed from public streets, places and ways, has a material and substantial relationship to property values and the taxable value of property in the city;

D. That to protect the economic welfare of the community, it is the policy of the city to protect, maintain and enhance the social and economic values created by past and present investments in the community by requiring all future development to respect these traditions and require that all buildings and structures placed on the land to respect natural land forms and waterways, and become a compatible part of the total community environment, both in the local neighborhood and the city as a whole;

E. That such policy will be realized by the creation of appropriate standards and guidelines for the use of persons planning future developments, and the establishment of an administrative review process to advise and assist both private parties and the city in applying such standards, and to review all proposals for future developments to assure conformance with the policy. (Ord. 1111 N.S. § 28, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.020 Purpose of provisions.

The purpose of this chapter is to:

A. Recognize the interdependence of land values and aesthetics, and to provide a method by which the city may implement this interdependence to the community's benefit;

B. Preserve and enhance the beauty and environmental amenities of the city by:

1. Preserving and enhancing the natural beauties of the land and man-made environment, and the enjoyment thereof,

2. Maintaining and improving the qualities of and relationships between individual buildings, structures and physical development in such a manner as to best contribute to the amenities and attractiveness of the city,

3. Protecting and insuring the adequacy and usefulness of public and private developments as they relate to each other and the neighborhood area;

C. Promote and protect the safety, convenience, comfort, prosperity and general welfare of the citizens of the city by:

1. Stimulating creative design for individual buildings and structures, and other physical improvements,

2. Encouraging the innovative use of materials, methods and techniques,

3. Preserving balance and harmony within neighborhoods,

4. Integrating the functions, appearance and locations of buildings and improvements so as to best achieve a balance between private prerogatives and preferences and the public interest and welfare. (Ord. 528 N.S. § A (part), 1980)

18.74.030 Definitions.

As used in this chapter:

A. "City" means the city of Morgan Hill.

B. "City council" means the city council of the city of Morgan Hill.

C. "Architectural Review Board" means the architectural review board of the city, the planning officer responsible for administering all planning and zoning ordinances within the city.

D. "Development review committee (DRC)" means the staff reviewing body of the city, acting as a technical review committee advisory to the architectural review board, the planning commission and the city council.

E. "Downtown design plan" means the physical development plan for the downtown area of the city, adopted by the city council.

F. "General Plan" means the general plan of the city.

G. "Landscape maintenance agreement" means a written, signed agreement between the titled owner of record or his authorized agent and the city, insuring maintenance of landscaping for a minimum time period of one year, pertaining to a development project approved by either the planning commission, city council, or architectural review board. The agreement shall be accompanied by a landscape maintenance bond and must be signed by authorized agents representing the city and the titled owner of record for the property in question prior to issuance of a certificate of occupancy by the building official of the city.

H. 1. "Landscape maintenance bond" means a performance bond paid by the title owner of record or his authorized agent acting as applicant for a development project approved by the city, issued to the community development department in an amount equal to one hundred percent of the value of landscaping and irrigation systems for the development project. This landscape maintenance bond shall be retained by the city for a period of two years to insure maintenance of landscaping during the first two years after planting.

2. A maintenance bond shall not be required for commercial, industrial or residential projects where a property owners' association is established to assure that landscape maintenance of common areas is satisfactorily accomplished.

I. "Planning commission" means the planning commission of the city.

J. "Sensitive sites" means land areas within the incorporated limits of the city which have the characteristics defined in Section 18.74.510 of this chapter. (Ord. 1111 N.S. § 29, 1992; Ord. 980 N.S. § 3 (part), 1990; Ord. 633 N.S. § A, 1983; Ord. 597A N.S. § A, 1983; Ord. 528 N.S. § A (part), 1980)

Article II. Administration

18.74.150 Architectural review board - Duties and Responsibilities

A. Except as otherwise provided in this code, the architectural review board or his authorized representative shall review the following:

1. Plans for all structures and physical improvements and for any relocation, addition, or extension to or exterior changes of or to existing buildings, structures and other physical improvements to property before building permit or other permit authorizing construction, alteration, relocation, addition or extension under the ordinances of the city. This requirement may be waived if the architectural review board certifies that the nature of work is minor or incidental or need not be reviewed by the development review committee;

2. All city projects, including but not limited to municipal buildings, and park and open spaces;

B. Exceptions. Single-family dwellings or duplexes shall not be subject to review unless (1) architectural and site review is required as a condition of other entitlement; or (2) the architectural review board determines the site is sensitive as set forth in Section 18.74.510 of the Municipal Code. (Ord. 1111 N.S. § 31, 1992)

18.74.160 Applications for approval--Filing.

A. All applicants for architectural and site review approval shall file all necessary plans, application forms and fees with the community development department. (Ord. 1111 N.S. § 32, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.200 Plan review--Determination.

All architectural and site review applications shall be reviewed by the city's development review committee (DRC), and submitted to the architectural review board for action. All actions of the architectural review board shall be final, unless appealed according to Section 18.74.240. Upon appeal, further action by the city planning commission and city council shall be required pursuant to the zoning ordinance of the city. (Ord. 1111 N.S. § 34, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.210 Environmental review.

All site and architectural review applications which require either a negative declaration or environmental impact report, shall be certified as to their environmental status by the final approving authority under Resolution No. 1439, the Morgan Hill Environmental Guidelines, prior to project approval. (Ord. 1111 N.S. § 35, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.220 Hearings—Notice requirements.

Notice of applications pending before the architectural review board shall be provided in the manner prescribed in Government Code Sections 65090 and 65091. (Ord. 1111 N.S. § 36, 1992; Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.230 Action by architectural review board.

Upon reviewing the matters submitted, the architectural review board shall decide whether or not the proposed structures and improvements meet the requirements of this chapter, and shall make findings supporting his decision. In approving an application, the architectural review board may impose any reasonable conditions to ensure compliance. All actions of the architectural review board shall be final, unless appealed under Section 18.74.240. (Ord. 1111 N.S. § 37, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.240 Appeal from architectural review board decisions.

In the event that the applicant, any interested person or the city is aggrieved by the decision of the architectural review board, the aggrieved party may, within ten days of receiving written notification of the director's action, appeal in writing to the planning commission. Notice of appeal shall be in the manner prescribed in Sections 18.64.060--18.64.100 of this title. The planning commission shall either affirm, modify or reverse the decision of the architectural review board following the filing of such appeal. Action by the planning commission shall be final, unless there is a further appeal to the city council, in which case, the city council action shall be final. (Ord. 1111 N.S. § 38, 1992; Ord. 899 N.S. § 28, 1989; Ord. 855 N.S. § 2, 1988; Ord. 528 N.S. § A (part), 1980)

18.74.250 Expiration of approval—Extensions.

If the applicant has not obtained a building permit, architectural and site review approvals shall automatically expire after one year from the date of approval unless a different date of approval is stipulated at the time of approval. Prior to the expiration of an architectural review approval, the applicant may apply to the architectural review board for an extension of one year from the original date of expiration. The director may grant the extension in writing, and may require minor modifications of the approved design at the time of extension, if he finds that there has been no substantial change in the factual circumstances surrounding the originally approved design. Further extensions beyond one year may be granted by the architectural review board in accordance with the procedures described above. (Ord. 1111 N.S. § 39, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.260 Revocation of approval.

Upon recommendation of the architectural review board, the planning commission may, after a public hearing, with notice to the permittee, revoke any approval given pursuant to this chapter for noncompliance with any of the conditions imposed by the architectural review board, the planning commission, or city council upon such approval. Written notice of intent to revoke approval shall be mailed to the permittee ten days prior to the public hearing. Revocation by the planning commission is appealable to the city council, pursuant to the procedures outlined in Section 18.74.240 of this chapter. (Ord. 1111 N.S. § 40 (part), 1992; Ord. 528 N.S. § A (part), 1980)

Article III. Design Review Guidelines

18.74.270 Architectural Review Handbook.

The community development department shall maintain an Architectural Review Handbook setting forth standards and guidelines for the use of persons planning future developments subject to architectural and site review. Design standards shall include guidelines for site planning, landscape design and maintenance, architecture, and signs. Policies of the General Plan shall be incorporated into the handbook. Periodic revisions to the handbook shall be conducted by the planning commission and development review committee (DRC) in order to respond to aesthetic and environmental concerns of the community. (Ord. 1111 N.S. § 41, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.280 Criteria for consideration.

- A. The design of the project should be compatible with the immediate environment of the site, including the streetscape. In the downtown design plan study area, standards of the downtown design plan shall also apply to the project under review.
- B. The design of the project should produce harmonious transition in both scale and character between adjacent land uses.
- C. Access to the property and circulation thereon should be safe and convenient for pedestrians, cyclists and vehicles.
- D. The amount and arrangement of open space and landscaping should be appropriate to the design and function of the structure.
- E. Sensitive areas, as defined in Section 18.74.510 of this chapter, shall be designed with respect to notable features of the project site.
- F. The project should protect and enhance buildings that have historic and cultural value by virtue of their architectural character, historic association, or age.
- G. Energy efficiency shall be respected in all site, building and architectural design.
- H. Material, textures, colors and details of construction should be an appropriate expression of the design concept and function, and the same should be compatible with the adjacent and neighboring structures and functions.
- I. Landscaping should be compatible with and complement site planning, as well as the design of the building.
- J. Vertical and horizontal sightlines should be sufficient to ensure safe vehicular as well as pedestrian movement. (Ord. 1111 N.S. § 42, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.290 Architectural standards generally.

Architectural standards shall be as set out in Sections 18.74.300 through 18.74.400 of this chapter. (Ord. 528 N.S. § A (part), 1980)

18.74.300 Harmony of design.

Different structures and parts of structures should go well together. New and old construction should harmonize architectural styles, features, colors and materials. (Ord. 528 N.S. § A (part), 1980)

18.74.310 Design theme.

Architectural themes chosen for buildings, shopping districts, industrial parks, the downtown area, entrances to the city, theme unit development zoning districts, or other identifiable districts of the city shall be implemented through well-developed and articulated physical features. Examples of these features are: Corridors, posts, beams, arches, columns, colonnades, canopies, cornices, balconies, ornamental tiles, recesses, overhangs, exterior wall materials, graphics, window statement, fountains, landscaping, and other artistic features. (Ord. 528 N.S. § A (part), 1980)

18.74.320 Mechanical equipment and utilities.

All roof-mounted mechanical equipment or ductwork which projects vertically above the roof or parapet is to be screened by an enclosure which is detailed consistently with the building design. Solar heating equipment and satellite dish antennas need not be screened, but must be located on the roof or in a rear or side setback area and must be as unobtrusive as possible. No mechanical equipment, including utility meters, are to be exposed on the front wall surface of a building. Such equipment shall be located on the side or rear wall surfaces. Propane tanks shall be located in an area which shall minimize their visual impact as viewed from the public right of way and shall be screened or otherwise treated so as to be compatible with other structures on the site. Compressors shall be screened by a wall, a fence or landscape materials, and be located below the fascia and/or roofline of the buildings. Further, they shall be located on the rear or hidden side of the building and shall be painted to match the surface to which attached, if the

surface is visible. (Ord. 1215 N.S. § 64, 1995; Ord. 980 N.S. § 3 (part), 1990; Ord. 528 N.S. § A (part), 1980)

18.74.330 Energy conservation.

Buildings should be designed to minimize mechanical heating and cooling. Sunlight should be used for direct heating and illumination wherever possible. Natural ventilation and shading should be used to cool a building. Active and passive solar heating is encouraged. (Ord. 528 N.S. § A (part), 1980)

18.74.340 Wall treatment.

All exterior wall elevations visible from and/or facing streets are to have architectural treatment. No building surface fronting on a street shall have a flat, void surface without architectural treatment. (Ord. 528 N.S. § A (part), 1980)

18.74.350 Doors and windows.

All windows and doors on all exterior wall elevations of buildings visible from and/or facing public streets shall be treated architecturally to provide texture, articulation and color, and to prevent glare. Second story windows on side elevations of residential dwellings shall be located so as not to align with windows on adjacent buildings. (Ord. 1045 N.S. § 5, 1991; Ord. 528 N.S. § A (part), 1980)

18.74.360 Gutters and downspouts.

Gutters and downspouts are to be painted to match the surface to which attached, unless used as a major design element, in which case the color is to be consistent with the color scheme of the building. (Ord. 528 N.S. § A (part), 1980)

18.74.370 Lighting.

A. The design of parking lot lighting fixtures shall be compatible with the architecture to be used in the proposed development.

B. Walkway light fixtures shall not exceed a height of twelve feet, and their placement shall be consistent with the overall design concept.

C. Security lighting fixtures are not to project above the facia or roofline of the building, and are to be shielded. The shield shall be painted to match the surface to which it is attached. Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures.

D. All lighting shall be shielded so as not to produce harmful effects upon neighboring property. (Ord. 528 N.S. § A (part), 1980)

18.74.380 Pedestrian concerns.

At street levels, structures should be sensitive to the pedestrian, making him comfortable when he walks past, by including planters, fountains, and seating areas along the sidewalk. (Ord. 528 N.S. § A (part), 1980)

18.74.390 Storage areas.

All outdoor storage for goods, materials, commercial vehicles or equipment shall be visually screened. Such screening shall form a complete opaque screen up to eight feet in vertical height. (Ord. 528 N.S. § A (part), 1980)

18.74.400 Refuse collection areas.

All outdoor refuse collection areas shall be screened by a complete opaque screen. (Ord. 528 N.S. § A (part), 1980)

18.74.410 Site planning standards generally.

Site planning standards shall be as set out in Sections 18.74.420 through 18.74.500. (Ord. 528 N.S. § A (part), 1980)

18.74.420 Suitability to site conditions.

The structure should be planned to fit a site's natural conditions, rather than alter a site to accommodate a stock building plan. Existing topography should be preserved to make the project more attractive or functional. The developer can modify topography where it contributes to good appearance, but natural grade and vegetation should be retained if possible. Excessive cuts and fills should be avoided. (Ord. 528 N.S. § A (part), 1980)

18.74.430 Activities and locations.

A site's various activities and elements should be logically located, so the project operates efficiently. Pedestrian and vehicular routes should be separated. Loading and service areas should be separated from customer parking and traffic areas. (Ord. 528 N.S. § A (part), 1980)

18.74.440 Grading and drainage.

Grading and drainage plans illustrating existing topography, proposed cuts and fills, sedimentation and erosion-control measures and structures, the direction of all site drainage, and all structural drainage facilities, shall be submitted as a part of architectural and site review. On-site storm water retention ponds shall be required where permanent storm-drainage facilities are not available. All stormwater retention ponds shall be landscaped and fenced, where required by the city engineer. Permanent stormwater drainage facilities shall be used to transmit stormwater whenever possible. (Ord. 528 N.S. § A (part), 1980)

18.74.450 Energy conservation.

Solar access shall be planned into the site design where possible. Solar access easements shall be reserved where appropriate. Climatic factors such as prevailing winds, shade trees, window and door orientation, and the positioning of buildings on the site shall all be coordinated to maximize energy conservation. (Ord. 528 N.S. § A (part), 1980)

18.74.460 Transition from streets.

From the street to the project there should be a pleasing transition that provides for adequate landscaping, walkways, and parking. (Ord. 528 N.S. § A (part), 1980)

18.74.470 Elimination of barriers for the physically handicapped.

State laws require that all facilities which are open to the public must be accessible to and usable by the physically handicapped. Plans for construction of new public facilities and remodeling of existing facilities shall incorporate both architectural barrier removal and physical building design and parking area features insuring accessibility to the physically handicapped. (Ord. 528 N.S. § A (part), 1980)

18.74.480 Traffic circulation.

Circulation should provide for safe and efficient traffic movement. Adequate auto stack-up areas should permit a minimum of two cars to enter the parking lot area without obstructing either street through traffic or vehicle backup areas within the parking lot. Stack-up area shall be a minimum of forty feet from the travel lane of the adjoining street as required in Section 18.50.250 of the Municipal Code. The number of curbcuts connecting the site with collector or arterial streets should be minimized. Traffic circulation between the site and adjacent lots shall be coordinated. Mutual access easements and mutual driveways should be used to minimize paved areas and curbcuts. (Ord. 1473 N.S. § 36, 2000; Ord. 528 N.S. § A (part), 1980)

18.74.490 Parking areas.

Parking areas should be screened from public ways, and divided with landscaping, buildings, walls, fences, berms, or other means. In large parking lots, islands of trees shall be incorporated into the design. All landscape and design features of Chapter 18.50 of this title shall apply to all projects. (Ord. 528 N.S. § A (part), 1980)

18.74.495 Canopies in commercial districts--Design guidelines.*

Proposed canopies shall be reviewed and approved by the city's architectural review board prior to installation. Such approval shall be granted if the following findings can be made:

- A. Pedestrian safety is not adversely affected;
- B. The canopy is not sight-obscuring;
- C. The design is compatible with the architectural style of the structures on the property and adjacent sites; and
- D. The canopy complies with the Uniform Building Code. (Ord. 1111 N.S. § 43, 1992; Ord. 829 N.S. § 3, 1987)

*Editor's note: See also Title 18 of this code, zoning, Section 18.56.060E, projections into required yards.

18.74.500 Trash collection and other service areas.

Trash containers and service and loading docks should be conveniently located and sized, but must not interfere with other circulation or parking on the site. Trash containers should be located away from public streets and store entrances, and should be completely screened with material similar to or compatible with buildings located on the same site. Enclosures must be durable in order to withstand abusive wear. (Ord. 528 N.S. § A (part), 1980)

18.74.505 Trash containers.

All land and buildings shall be serviced by and provided with an adequate number of trash receptacles and trash enclosures to meet the needs of the users and occupants of the property. Such enclosures shall be designed and located in a manner consistent with the city's Design Review Ordinance and Architectural Review Handbook. If, because of a change of occupancy or a change in the nature or size of a business use, the existing trash receptacles are inadequate in number to serve the property users and occupant's needs, additional receptacles and enclosures shall be provided. The property owner shall be notified of the city planning commission's intent to require additional trash enclosures or receptacles or to increase the frequency of trash collection. The commission shall take such action as necessary after the property owner has been given an opportunity to address the commission at a public meeting. (Ord. 1111 N.S. § 44, 1992; Ord. 941 N.S. § 5, 1989)

18.74.506 Retroactive effect--Commercial, industrial, theme unit development and planned unit development zoning districts.

It is the intent that because of the public nuisance created by accumulations of trash outside of trash enclosures that, whenever such a condition is found to exist on properties subject to the requirements of Section 18.48.160, that compliance with the requirements of that section shall be required. (Ord. 980 N.S. § 3 (part), 1990)

18.74.507 Violation--Penalty.

Violation of the provisions of Section 18.74.505 constitute an infraction punishable in accordance with the provisions of Section 1.24.010 and 1.24.020 of this code. (Ord. 980 N.S. § 3 (part), 1990; Ord. 941 N.S. § 7, 1989)

18.74.510 Sensitive sites--Designated--Review required.

A. The architectural review board is empowered to require architectural and site review on certain sensitive sites, where review normally would not be required.

B. A site shall be considered sensitive when:

1. It involves a notable feature such as a lake, shore, hillside, ridgeline, watercourse, major drainage way or floodplain;

2. It is near a structure or site of historic or cultural significance or special architectural character;

3. The project and projects like it, taken together, could have a negative aesthetic impact upon the neighborhood;

4. The site is visible from public buildings, major streets, and similar public gathering places;

5. It is defined as a nonconforming or substandard lot by city ordinance;

6. An existing structure is to be moved to the site.

C. Design standards, as found in Article III of this chapter, shall apply to sensitive sites, as defined in this section. The architectural review board may require reasonable conditions to the project in order to mitigate potential problems typical to the site's area of sensitivity.

D. The decision of the architectural review board to designate a site as sensitive may be appealed to the planning commission under Section 18.74.240 of this chapter. (Ord. 1111 N.S. § 45, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.520 Landscaping--Standards generally.

Landscape standards for design and maintenance shall be as set out in Sections 18.74.530 through 18.74.570. (Ord. 528 N.S. § A (part), 1980)

18.74.530 Landscaping--Required when--Materials.

A. Except as otherwise provided by standards adopted by the director of community development authorizing delays because of water shortages, when property is undeveloped at the time landscaping requirements are imposed upon the property, landscaped yards and areas shall be provided and maintained at the time a main building is constructed and occupied by any use requiring a building is constructed and occupied by any use requiring a building, or when any open use other than agricultural occurs on the property. All unpaved areas shall be landscaped with ground cover and/or shrub plant material, and undeveloped areas proposed for future expansion shall be landscaped with appropriate ornamentals, to include ground cover, shrubs and/or trees.

B. No artificial or nonliving materials may be used in place of vegetation. All required landscaping is vegetation except for fences, walls, fountains, lighting, sculpture, ornamental paving and similar items.

C. Where a specific height of planting is required, such landscaping shall be within two feet of the prescribed height at the time of planting if the prescribed height is five feet or more, and shall be within one foot of the prescribed height at the time of planting if the prescribed height is less than five feet. An earthen berm or mound not taller than two feet may count toward required heights of landscaping and screening. All heights are measured above the ground level at the point the landscaping will be planted.

D. All trees planted shall be of a minimum fifteen-gallon size.

E. All plants shall be planted with spacings and locations, given the plant types and characters, type of soil, availability of or likelihood of watering regularity and similar considerations, so that the plantings will achieve their purpose within a reasonable time. (Ord. 1415 N.S. 32, 1998; Ord. 920 N.S., 1989; Ord. 528 N.S. § A (part), 1980)

18.74.540 Screening, fences and walls.

A. Landscaping, when required as a screening device, shall be of a type which provides a year-round barrier, and shall be of trees and shrubs spaced so that any view of objects on the opposite side is effectively eliminated. A fence or wall, when required as a screening device, shall be of solid wood or masonry so constructed as to effectively eliminate any view of objects on the opposite side below the maximum height of the required fence or wall; if a grill is installed, it may be built with a uniform screen or with an openwork design. Fences and walls shall be landscaped and modulated to provide visual relief to continuous wall or fence surfaces.

B. Whenever two or more types of landscaping or screening are prescribed, they may be provided singularly or in any combination on the landscaping plan.

C. All shrubs used for screening purposes shall be of a minimum five-gallon size.

D. Areas utilized for parking, storage or loading shall be screened, modulated or integrated from view of access streets, freeways, or adjacent properties. This may be accomplished by employing one or all of the following techniques:

1. Trees shall be planted adjacent to structures on-site, one tree for each thirty linear feet of the combined length of the rear and both side wall dimensions of the structure. Minimum size shall be five-gallon material.

2. Major-scale trees may be linear or en masse. This method requires use of trees that will ultimately provide foliage that is visible above the roofline from within the total site.

3. Linear or group masses of small-scale trees; this method requires use of trees that will ultimately provide foliage or shade pattern on either horizontal or vertical planes. (Ord. 899 N.S. § 2 (part), 1989; Ord. 528 N.S. § A (part), 1980)

18.74.550 Parking area landscaping.

A. Every parcel of land used for the parking or loading of motor vehicles, or motor vehicle sales, shall be improved and maintained with landscaping as required in this section.

B. Where a parking area is across the street from a residential district, or adjoins a residential district on the same side of the street, there shall be a landscaped area twenty feet wide between the parking area and the front property line.

C. The interior of any parking area shall be landscaped, with planter areas measuring a minimum five feet in width, minimum inside dimension, at both ends of each row of spaces, with the planter area length to be equal to adjoining parking spaces. Such a planter area shall contain at least one tree with surrounding ground cover or shrubs, or both. There shall be an additional planter area adjoining each tenth parking space in each row of parking spaces, except that when there are more than fourteen and less than twenty spaces, the additional planter shall be

centered in the row. Where front-to-front parking spaces are provided, required planter areas shall be aligned to form a continuous planter area.

D. The minimum number of trees to be provided in any parking area shall be one for each four parking stalls. The minimum size of tree, when planted, shall be five gallons.

E. Required landscape areas next to parking spaces or driveways shall be protected by a minimum six-inch-high continuous concrete border or curb wall.

F. All general city rules relating to the nature, content or maintenance of landscaping shall apply to landscaping required or provided with a parking or loading area. The architectural review board may approve the deviation from the rules relating to location of planter areas within parking lots if the lot configuration causes a hardship or unsafe condition. He may approve a deviation not exceeding fifty percent in the size of any required area, provided another landscape area is provided or increased to equally compensate for the loss.

G. When a parking area is located within a commercial or industrial district there shall be a landscaped area at least fifteen feet in width between the parking area and the public right of way or private street. (Ord. 1323 N.S. § 30, 1997; Ord. 1215 N.S. § 65, 1995; Ord. 899 N.S. § 10, 1989; Ord. 528 N.S. § A (part), 1980)

18.74.560 Landscaping--Maintenance.

A. All vegetation shall be provided with an adequate, permanent and nearby source of water which shall be provided by installed on-site water sprinklers or flood irrigation system.

B. All vegetation shall be maintained free of physical damage or injury from lack of water, excess chemical fertilizer or other toxic chemical, blight or disease, and such vegetation of those that show signs of such damage or injury at any time shall be replaced by the same, similar or substitute vegetation of a size, form and character, which will be comparable at full growth.

C. Landscaping shall be kept free from weeds and undesirable grasses.

D. The architectural review board shall, as a condition of approval of any landscaping or landscaping area, require the execution of a landscape maintenance agreement for the maintenance of any or all landscaping on a building site. A maintenance agreement shall not be required for any landscaping or landscape area which is maintained by a homeowners association.

E. All trees shall be allowed to grow their natural size and shape. Minor pruning to promote the health of the trees shall be allowed. (Ord. 1487 N.S., 2000; Ord. 1111 N.S. § 46, 1992; Ord. 528 N.S. § A (part), 1980)

18.74.570 Landscaping--Compliance and enforcement.

A. Whenever any person neglects to conform to landscape requirements on a site plan, the architectural review board may require, upon thirty days' written notice, such compliance. The person may, within such time, appeal the director's decision to the planning commission under Section 18.74.240 of this chapter.

B. In the event noncompliance continues thereafter, the director may cause work to be done and plantings to be made to bring the landscaping or area into compliance. The method of reimbursement for such work shall be stated in the landscape maintenance agreement signed by the permittee and may include forfeiture of a landscape maintenance bond of a specified sum related to one hundred percent of the cost of landscape improvements.

C. Definitions.

1. "Building or structure" means areas of properties which are required to be landscaped, including landscaping therein.

2. "Repair and demolition fund" means whatever fund supplies the moneys to pay for the carrying out of the landscaping work under this section.

3. "Repair," "repairing," "demolish," "demolishing," or "work of repair or demolition" means the work of preparing the property for plantings and making plantings, including all necessary and proper acts to landscape the property and repair, or replace, or maintain any present landscaping. (Ord. 1111 N.S. § 47, 1992; Ord. 528 N.S. § A (part), 1980)